

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA**

In Re: )  
 )  
PATRICIA RAE SWAFFAR )  
FKA PATRICIA RAE SWAFFAR-HAWKINS )  
 )  
 )  
 )  
Debtor. ) Case No. 18-12073-R  
(Chapter 13)

**TRUSTEE’S OBJECTION TO CONFIRMATION OF PLAN**

COMES NOW Lonnie D. Eck, Standing Chapter 13 Trustee for the Northern District of Oklahoma, and for his objection to confirmation of the proposed plan, states:

1. The Debtor filed a Chapter 13 Plan on October 16, 2018 [Doc. No. 6] (the “Plan”).
2. An objection to confirmation has been filed by Nationstar Mortgage LLC d/b/a Mr. Cooper. Prior to confirmation, this objection must be resolved.
3. An objection to confirmation has been filed by Mid America Mortgage, Inc. Prior to confirmation, this objection must be resolved.
4. The Plan does not provide for the correct ongoing monthly mortgage payment and does not fully provide for the arrearage claim of Nationstar Mortgage LLC d/b/a Mr. Cooper (Claim No. 1) as reflected in the proof of claim.
5. The Plan does not provide for the correct ongoing monthly mortgage payment and does not fully provide for the arrearage claim of Mid America Mortgage, Inc. (Claim No. 6) as filed.

6. At the meeting of creditors held on December 4, 2018, the Debtor testified that she was not currently employed. To the extent Debtor has found employment, Debtor's Schedules I and J should be amended to reflect Debtor's current financial situation.

7. Debtor's Schedule J and Statement of Current Monthly Income do not reflect Debtor's grandchild as a dependent who resides with Debtor. Possibly, Schedule J and the Statement of Current Monthly Income should be amended to accurately reflect the correct number of members of Debtor's household.

8. Debtor's Statement of Financial Affairs does not reflect the attorney fees for counsel from Debtor's prior case 18-10432-R.

9. At the meeting of creditors, Debtor testified that the 2015 state and federal income tax returns had just been filed, and that Debtor was to receive a state refund. Prior to confirmation, the Debtor should submit the net income tax refund to the Trustee.

10. The Debtor's Chapter 13 Statement of Current Monthly Income filed in this case indicates that not all disposable income is being submitted to unsecured creditors as required by 11 U.S.C. § 1325(b). The Plan proposes a 100% pay back to unsecured creditors, but based upon the claims currently filed in the case, the Plan falls short of this pay back. The Trustee objects to confirmation until all disposable income is paid to the unsecured creditors, or the Plan provides a 100% payback to unsecured creditors.

11. Prior to confirmation, the Debtor must file a Pre-Confirmation Certification (Local Form 3015-3).

WHEREFORE, the Standing Chapter 13 Trustee prays that the Court deny confirmation of the Plan.

s/ Michael J. George  
Lonnie D. Eck, Standing Chapter 13 Trustee  
Michael J. George, OBA #22570  
Office of the Standing Chapter 13 Trustee  
Northern District of Oklahoma  
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**CERTIFICATE OF MAILING**

I, Michael J. George, hereby certify that on the date the above and foregoing pleading was filed with the Court, in addition to those served electronically through the Court's CM/ECF system, a true and correct copy thereof was mailed, by first-class mail, postage prepaid to each of the following:

Patricia Rae Swaffar  
16120 E 83rd St N  
Owasso, OK 74055

s/ Michael J. George  
Michael J. George, OBA #22570